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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,721	08/20/2003	John G. McCarthy	10020842-1	8101

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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/645,721

Applicant(s)

MCCARTHY, JOHN G.

Examiner

Niketa I. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/10/05, 08/22/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tournier U.S. Patent Number: 6,587,932 B2 (hereinafter referred to as "*Tournier*".)

3. **Referring to claims 1, 12, 19, 22, *Tournier*** teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

4. **Referring to claims 3, 13, 20, 23, *Tournier*** teaches further comprising: upon receiving a device command targeted to the device from a second host, determining if the device is reserved and if the device is reserved to a host other than the second

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host, denying the device command from the second host [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

5. **Referring to claim 4**, *Tournier* teaches wherein determining if the device is reserved comprises determining if the reservation time period has expired [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

6. **Referring to claim 5**, *Tournier* teaches further comprising if the device is not reserved, executing the device command from the second host [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

7. **Referring to claims 6, 15**, *Tournier* teaches wherein the device command from the second host comprises a clear command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

8. **Referring to claim 7**, *Tournier* teaches wherein the reservation time period comprises a time period determined based on the device command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

9. **Referring to claims 8, 14**, *Tournier* teaches wherein the device command comprises one of a write command, a rewind command, a read command, a load command, an unload command, and

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a seek command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

10. **Referring to claim 9**, *Tournier* teaches wherein the device command comprises a tape device command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

11. **Referring to claim 10**, *Tournier* teaches wherein the device command comprises a disk device command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

12. **Referring to claim 16**, *Tournier* teaches further comprising upon receiving a second command of a predetermined type targeted to the device from a second host, while the device is reserved for the first host, executing the second command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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14. Claims 2, 11, 17-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournier U.S. Patent Number: 6,587,932 B2 (hereinafter referred to as "*Tournier*".)

15. **Referring to claims 2, 21, *Tournier*** teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38] however, does not set forth the limitation of further comprising upon receiving a second device command from the first host, resetting the reservation time period.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of allowing a host to reset a memory access period in order to meet the demand of the host process by resetting the reserved time period of the memory access. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement resetting the reservation time period to get this advantage.

16. **Referring to claims 11, 17, *Tournier*** teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see

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column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38] however, does not set forth the limitation of wherein the device command comprises a Small Computer System Interface (SCSI) command.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of using SCSI commands in order to allow faster communication and the ability to daisy chain up to seven different devices. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement Small Computer System Interface (SCSI) command to get this advantage.

17. **Referring to claim 18**, teachings of *Tournier* as modified above and applied to the claim 17 teaches wherein the second command comprises one of an inquiry command, a request sense command, and a log sense command [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

### **Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to timed memory access:

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U.S. Patent Number:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
04/15/2005

  
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